

UNITED STATES
BANKRUPTCY COURT
FILED - MAIL

2007 MAY -8 AM 9:09

C. L. AUSTIN, CLERK
MILWAUKEE, WISCONSIN

)
)
)
)

Abbas A. Fadel and Ellen E. Fadel

CHAPTER: 7

MOTION FOR PAYMENT OF UNCLAIMED FUNDS TO CREDITOR

There having been a dividend check in the above case issued to creditors' Michael Gagne and Kelly Gagne in the amount of \$46,989.19, forty six thousand, nine hundred eighty nine dollars and eighteen cents, and said check having not been cashed by said creditors', the Trustee of the case pursuant to 11 U.S.C. 347, paid this unclaimed money to the Clerk, U.S. Bankruptcy Court, Eastern District of Wisconsin, on May 12, 2004.

Now comes Michael Gagne as the recognized creditor, respectfully request this court, Pursuant to 11 U.S.C. 347 enter an order directing that the unclaimed funds, totaling approximately \$46,017.00, forty six thousand, seventeen dollars, held in the registry account to be paid to the creditor Michael Gagne c/o The Financial Resources Group, Inc. and, in support thereof, states as follows.

FACTUAL BACKGROUND

1. (a) On May 13, 1991, the creditor Michael Gagne suffered an industrial accident resulting in the amputation of his right foot.

(b) A civil case in the District of Maine in re: Case No 92-162-P-H, was brought against equipment manufacturer LO-Stampo, et al. Defendants: Kachina Tanning Company Inc. and Abbas Fadel.

(c) On January 11, 1994 a judgment was ordered in favor of our client Michael Gagne in the AMOUNT OF \$1,208,742.40, (ONE MILLION, TWO HUNDRED EIGHT THOUSAND, SEVEN HUNDRED FORTY TWO DOLLARS AND FORTY CENTS). In addition, an amount of \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS) was awarded to co-creditor Kelly Jean Gagne. Maine is an "Equitable Distribution" state, not a community property state. Please take note that Kelly Jean Gagne's award amounts to roughly 2.069% of that of our client Michael Gagne. **See exhibit "A" attached.**
2. On May 14, 1999 Abbas Fadel "Debtor" filed for bankruptcy protection under Chapter 7 in the Eastern District of Wisconsin, case number 99-24900.
3. (a) On November 8, 2002 our client Michael Gagne and co-creditor Kelly Gagne filed proof of claim (claim #10) supported by the judgments awarded as outlined above. **See exhibit "B" attached.**

(b) This claim was awarded a total distribution of \$46,989.18 (FORTY SIX THOUSAND, NINE HUNDRED, EIGHTY NINE DOLLARS AND EIGHTEEN CENTS).

(c) On May 12, 2004 the Trustee of this case paid these funds to the Clerk of court Eastern District of Wisconsin as unclaimed funds. As of this date this fund remains unpaid.

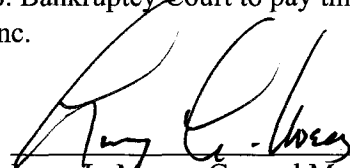
- (d) Our client Michael Gagne is now making application to this court for his equitable share of the unclaimed funds in the amount of **\$46,017.00 or 97.93%** of the amount allowed claim #10, bases upon the judgment awarded him against Abbas Fadel, in re: Case No. 92-162-p-h.

CREDITOR AND CO-CREDITOR SUBSEQUENT DISSOLUTION OF MARRIAGE

1. (a) On August 16, 1995 co-creditor Kelly Jean Gagne filed for divorce from Michael Gagne in the State of New Hampshire Superior Court In Re: Case No. 95-M-751. This divorce became final on January 16, 1996 with final stipulations as set forth. **See exhibit "C" attached.** New Hampshire is an "Equitable Distribution" state, not a community property state.
- (b) Kelly Gene Gagne n/k/a Kelly Gene Wengrzynek has remarried and lives somewhere in Tennessee.

Application is hereby made for the Clerk, U.S. Bankruptcy Court to pay this unclaimed money to Michael Gagne c/o The Financial Resources Group, Inc.

5/3/07
Date


Larry L. Moses, General Manager
The Financial Resources Group, Inc.
Attorney-in-fact for
Michael Gagne
700 Mechem Drive, Suite 8B
Ruidoso, NM 88345

I hereby certify by my signature above that a copy of this application was mailed on
5/3/07 to:

United States Attorney
517 E. Wisconsin Ave.
Milwaukee, WI 53202

LIMITED POWER OF ATTORNEY

2007 MAY -8 AM 9:

C. L. AUSTIN, CLERK
MILWAUKEE, WISCONSIN

KNOW ALL MEN BY THESE PRESENTS, That

Michael Gagne

has made, constituted and appointed and by these presents does make, constitute and appoint:

The Financial Resources Group, Inc.

my true and lawful attorney-in-fact, for me and in my name, place and stead and for my use and benefit, ONLY
to collect and disburse abandoned funds, or undistributed, unclaimed, or undelivered tenders or funds amounting to:

\$46,989.19

giving and granting unto my said attorney-in-fact full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done, as fully, to all intents and purposes, as I might or could do if personally present, hereby ratifying and confirming all that my said attorney-in-fact shall lawfully do or cause to be done, by virtue hereof. In construing this instrument, and where the context so requires, the singular includes plural. **This Limited Power of Attorney is specifically limited to the collection and disbursement of the above-named funds.**

Michael Gagne
Signature: Michael Gagne

12/8/06
Date

SSN 003-66-8283

NOTARY ACKNOWLEDGEMENT

State of NH

County of Stratford

SUBSCRIBED AND SWORN on the 8 day of December, 20 06 before me, personally appeared Michael Gagne personally known to me or proved to me on the basis of satisfactory evidence (see identification below) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Identification for the above named was Driver License No. (or specify other identification): 05GEM68231

WITNESS my hand and official seal,

Signature Samantha Kusnierz

Residing at Rochester NH

(seal)

My commission expires:

SAMANTHA E. KUSNIERZ, Notary Public
My Commission Expires September 8, 2009

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND, MAINE
1073

94 JAN 11 PM 3:26

BY: SD
DEPUTY CLERK

MICHAEL GAGNE and
KELLY-JEAN GAGNE,
Plaintiffs

v.

LO STAMPO, et al.,
Defendants

CIVIL NO. 92-162-P-H

JUDGMENT

Pursuant to the Judge Hornby's Order affirming recommended decision of the Magistrate Judge, dated January 11, 1994;

Judgment is hereby entered for the plaintiff, Michael Gagne, against defendants, Lo Stampo, Kachina Tanning Company, Inc. and Abbas Fadel, in the amount of One Million Two Hundred Eight Thousand Seven Hundred Forty-Two Dollars and Forty Cents (\$1,208,742.40) and for plaintiff Kelly-Jean Gagne against said defendants in the amount of Twenty-Five Thousand Dollars (\$25,000.00).

WILLIAM S. BROWNELL
Clerk

Susan M. Durst
Susan M. Durst
Deputy Clerk

Dated at Portland, Maine this 11th day, January, 1994.

Exhibit
A

NORMAN, HANSON & DETROY, LLC

ATTORNEYS AT LAW

415 CONGRESS STREET

P.O. BOX 4600

PORTLAND, MAINE 04112-4600

AREA CODE 207

774-7000

FAX

775-0806

E-Mail

jpoliquin@nhdllaw.com

Website

www.nhdllaw.com

ROBERT F. HANSON
PETER J. DETROY
STEPHEN HESSERT
RODERICK R. ROVZAR
THEODORE H. KIRCHNER
MARK G. LAVOIE
STEPHEN W. MORIARTY
JAMES D. POLIQUIN
JOHN H. KING, JR.
PAUL F. DRISCOLL
WILLIAM O. LACASSE
MARK E. DUNLAP
ROBERT W. BOWER, JR.
JONATHAN W. BROGAN
CHRISTOPHER C. TAINTOR

DAVID P. VERY
DANIEL L. CUMMINGS
RUSSELL B. PIERCE, JR.
ANNE M. CARNEY
DAVID L. HERZER, JR.
THOMAS S. MARJERISON
ADRIAN P. KENDALL
EMILY A. BLOCH
ANNE H. JORDAN
AARON K. BALTES
JOHN R. VEILLEUX
LANCE E. WALKER
DORIS V. R. CHAMPAGNE
RACHEL L. REEVES

OF COUNSEL

DAVID C. NORMAN

November 7, 2002

VIA UPS NEXT DAY AIR

United States Bankruptcy Court
Eastern District of Wisconsin
U. S. Courthouse, Room 126
517 East Wisconsin Avenue
Milwaukee, WI 53202-4581



In Re: Abbas A. Fadel and Ellen E. Fadel
Case No. 99-24900 rae - 7

Dear Sir or Madam:

Enclosed please find Proof of Claim on behalf of Michael and Kelly Gagne with attached Judgment upon which the claim is based. I also have enclosed a copy of the Proof of Claim together with a stamped, self-addressed envelope and would appreciate receiving confirmation of receipt of the Proof.

Please give me a call if you have any questions.

Very truly yours,

James D. Poliquin

JDP/csb
Enclosures

Exhibit
B

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN (MILWAUKEE)

PROOF OF CLAIM

Name of Debtor

Abbas A. Fadel

Case Number

99-24900 rae

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Michael and Kelly Gagne

Name and Address where notices should be sent:

Michael and Kelly Gagne

c/o Norman Hanson DeTroy, Attn James D. Poliquin

415 Congress Street

P O Box 4600

Portland ME 04112

Telephone Number:

207-774-7000

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☒ Check box if the address differs from the address on the envelope sent to you by the court.



99-24900



1694356

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

Check here if
this claim☐ replaces☐ amends

a previously filed claim, dated _____

1. Basis for Claim

- ☐ Goods sold
- ☐ Services performed
- ☐ Money loaned
- ☒ Personal injury/wrongful death
- ☐ Taxes
- ☐ Other _____

- ☐ Retiree benefits as defined in 11 U.S.C. §1114(a)
- ☐ Wages, salaries, and compensation (fill out below)
- Your SS #: _____
- Unpaid compensation for services performed from _____ to _____ (date) (date)

2. Date debt was incurred:

Date of Injury: 5/13/91

3. If court judgment, date obtained:

January 11, 1994

4. Total Amount of Claim at Time Case Filed:

\$ 1,460,134.10

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

- ☒ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges. Principal of \$1,233,742.40 plus 5 yrs of post-judgment interest at rate of 3.67%

5. Secured Claim.

- ☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- ☐ Real Estate ☐ Motor Vehicle
- ☐ Other _____

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

6. Unsecured Priority Claim.

- ☐ Check this box if you have an unsecured priority claim
- Amount entitled to priority \$ _____
- Specify the priority of the claim:
- ☐ Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- ☐ Up to \$ 2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)().

*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date

11/7/02

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

James D. Poliquin James D. Poliquin Attorney

THIS SPACE IS FOR COURT USE ONLY

UNITED STATES
BANKRUPTCY COURT
FILED
2002 NOV - 8 AM 9:51
CL. ADRIAN CLERK
MILWAUKEE, WISCONSIN

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

10

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
96 JAN 11 PM 3:25

BY: SD
DEPUTY CLERK

CIVIL NO. 92-162-P-H

JUDGMENT

Judgment is hereby entered for the plaintiff, Michael Gagne, against defendants, Lo Stampo, Kachina Tanning Company, Inc. and Abbas Fadel, in the amount of One Million Two Hundred Eight Thousand Seven Hundred Forty-Two Dollars and Forty Cents (\$1,208,742.40) and for plaintiff Kelly-Jean Gagne against said defendants in the amount of Twenty-Five Thousand Dollars (\$25,000.00).

Susan M. Durst
Susan M. Durst
Deputy Clerk

Case 99-24900-svk Doc 66 Filed 05/08/07 Page 7 of 14

AFFIDAVIT

I, Michael Gagne, do swear under penalty of perjury that the foregoing statements are true and correct.

That I, Michael Gagne used the services of **James D. Poliquin, Attorney, located at 415 Congress St., Portland, ME.**

That I, Michael Gagne no longer utilize James D. Poliquin's services.

Dated: 12/8/06

Michael Gagne
Michael Gagne

State NH

County Strafford

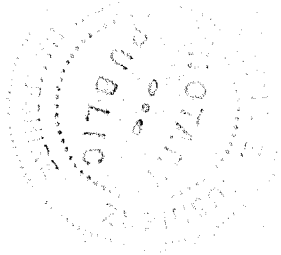
Subscribed and sworn before me this 8 day of December, 20 06, by

Samantha Kusnierz
Notary Public

My Commission Expires: _____

SAMANTHA E. KUSNIERZ, Notary Public
My Commission Expires September 8, 2009

(seal)



State of New Hampshire

County

Stratford Court

95-m-751 No.

Final STIPULATIONS

Kelly-Jean Gagne

vs.

Michael A. Gagne

The parties agree as follows:

That we Have No minor children.

That there will Be no support Paid to the Plaintiff.

We Have No Home or assets to Divid.

The debts will Be paid By The Plaintiff. Divorce

That the Plaintiff Shall Resume Her maiden name

Kelly-Jean Judkins.

all The Bill and payments Have Been split

and each Part is Responsible For His and Her
Part.

1-16-95

Date

Kelly-Jean Gagne - Plaintiff

Plaintiff

Michael A. Gagne - Defendant

Defendant

Attorney for Plaintiff

Attorney for Defendant

A TRUE COPY, ATTEST:

Janet Nuttall
7-7-06

STRAFFORD SUPERIOR COURT

ACCEMEN

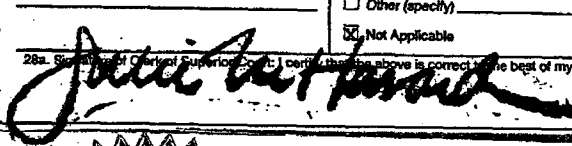
Exhibit

C

**THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT**

95-M-751
DOCKET NUMBER

**Record of Divorce, Legal
Separation or Annulment**

1. HUSBAND'S NAME — FIRST <u>Michael</u>			MIDDLE <u>Anthony</u>			LAST <u>GAGNE</u>		
2a. RESIDENCE — CITY, TOWN, OR LOCATION <u>28 Main Street Rochester, N.H.</u>			2b. COUNTY <u>Strafford</u>			2c. STATE <u>N.H.</u>		
3. BIRTHPLACE (State or Foreign Country) <u>Rochester, N.H.</u>			4. DATE OF BIRTH (Month, Day, Year) <u>May, 23, 1968</u>			5. NUMBER OF THIS MARRIAGE (specify first, second, etc.) <u>First</u>		
7. IF PREVIOUSLY MARRIED HOW MANY ENDED BY: DEATH _____ DIVORCE, ANNULMENT _____			8. EDUCATION (specify highest grade completed) ELEMENTARY OR SECONDARY (0-12) <u>11</u>			COLLEGE (1-4 or 5+) _____		
9a. WIFE'S NAME — FIRST <u>Kelly -Jean</u>			MIDDLE <u>Gagne</u>			LAST <u>Judkins</u>		
10a. RESIDENCE — CITY, TOWN, OR LOCATION <u>22 East Street Dover, N.H.</u>			10b. COUNTY <u>Strafford</u>			10c. STATE <u>N.H.</u>		
11. BIRTHPLACE (State or Foreign Country) <u>Exeter N.H.</u>			12. DATE OF BIRTH (Month, Day, Year) <u>August 7, 1969</u>			13. NUMBER OF THIS MARRIAGE (specify first, second, etc.) <u>First</u>		
15. IF PREVIOUSLY MARRIED HOW MANY ENDED BY: DEATH _____ DIVORCE, ANNULMENT _____			16. EDUCATION (specify highest grade completed) ELEMENTARY OR SECONDARY (0-12) <u>9</u>			COLLEGE (1-4 or 5+) _____		
17a. PLACE OF THIS MARRIAGE — CITY/TOWN <u>Somersworth N.H.</u>			17b. COUNTY <u>Strafford</u>			17c. STATE (or Foreign Country) <u>N.H.</u>		
18. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD <u>January 13, 1995</u>			20a. NUMBER OF CHILDREN EVER BORN ALIVE OR ADOPTED OF THIS MARRIAGE <u>None</u>			20b. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF DATE IN ITEM 19 Number <u>0</u> <input type="checkbox"/> None <input type="checkbox"/> Other _____		
21a. NAME OF PETITIONER'S ATTORNEY OR PRO-SE (Type/Print) <u>Pro Se</u>			21b. ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) <u>22 East Street Dover, N.H. 03820</u>			21c. DATE (this Form completed by attorney or Pro-Se) <u>Sep 13, 1995</u>		
22a. Date filed with court. (Month/Day/Year) <u>8/16/95</u>			22b. Cause for Filing: <input checked="" type="checkbox"/> Irreconcilable Differences <input type="checkbox"/> Other (specify) _____			22c. A decree was entered. There was an: <input checked="" type="checkbox"/> Uncontested Hearing <input type="checkbox"/> Contested Hearing <input type="checkbox"/> Defaulted Hearing		
23b. Date Decree Becomes Final: (Month, Day, Yr) <u>January 16, 1996</u>			24a. Name of Hearing Official: (Type or Print) (First, Last) <u>Stephanie T. Nute</u>			24b. Official Capacity: <input type="checkbox"/> Judge <input checked="" type="checkbox"/> Master		
25. Name to be Used by Wife After Divorce: <input type="checkbox"/> Same as Present. (9a) <input checked="" type="checkbox"/> Maiden (9b) <input type="checkbox"/> Other (specify) _____			26. Legal Custody of Child/Children Awarded to: <input type="checkbox"/> Joint (Mother & Father) <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other (specify) _____ <input checked="" type="checkbox"/> Not Applicable			27a. Number of Children Under 18 Whose Physical Custody was Awarded to: (Specify) # _____ Joint (Mother & Father) (Number) # _____ Mother (Number) # _____ Father (Number) # _____ Other (specify) (Number) <input checked="" type="checkbox"/> Not Applicable		
27b. Physical Custody Award Was: <input type="checkbox"/> Uncontested <input type="checkbox"/> Contested <input type="checkbox"/> Defaulted <input checked="" type="checkbox"/> Not Applicable			28a. Sign and Seal of Clerk of Superior Court: I certify that the above is correct to the best of my knowledge. 			28b. County <u>Strafford</u>		
28c. Date Signed (Month, Day, Year) <u>January 23, 1996</u>								



A TRUE COPY, ATTEST:


7/7/06
STRAFFORD SUPERIOR COURT CLERK


Clerk



Michael F. Dubis S.C.

Attorney & Counselor at Law

Waterford Office

208 E. Main Street
Waterford, WI 53185
262-534-6950 or 262-534-5186
FAX 262-534-7367

Terry Fischer

Office Administrator

miked3@ols-inc.com
www.michaelfdubis.com

Tichigan & Wind Lake Office

7802 Town Line Road
Waterford, WI 53185
262-895-6345

May 12, 2004

Clerk, US Bankruptcy
126 US Courthouse
517 E Wisconsin Avenue
Milwaukee WI 53202

RE: Abbas & Ellen Fadel

Case # 99-24900 SVK ch7

UNITED STATES
BANKRUPTCY COURT
RECEIVED MAIL
2004 MAY 14 AM 8:56
C.L. AUSTIN, CLERK
MILWAUKEE, WISCONSIN

Dear Sir or Madam:

Enclosed you will find Check #134 for \$47,053.19.. This Final Distribution checks were issued as follows:

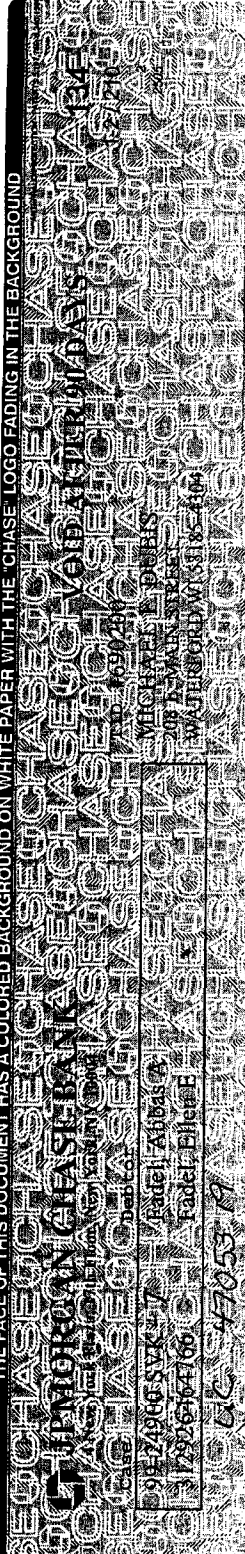
Claim #	Claimant/Address	Ck #	Ck Date	Amount of Distribution
3	Oconomowoc Memorial Hospital 791 Summit Avenue Oconomowoc WI 53066	128	1-30-04	64.00
The check was returned and voided. The account had been paid in full.				
10	Michael & Kelly Gagne C/o Norman Hanson DeTroy Attn: James D Poliquin 415 Congress Street P O Box 460 Portland ME 04112	133	1-30-04	46,989.19
The check was not cashed or returned. Payment was stopped. The payees could not agree on how to split the amount.				

Very truly yours,

Michael F. Dubis

MFD/taf
Enc.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER WITH THE "CHASE" LOGO FADING IN THE BACKGROUND



9124900 SVK
1722674760
Rudel, Abbas
Fadel, Elie
WATSON, W. J. 118-100

CC 47053 19

Date 05/02/2004

\$ *****47,053.19

Forty-Seven Thousand Fifty-Three Dollars and 19/100

Pay to the
Order of: Clerk, U. S. Bankruptcy Court
Rm 126 US Courthouse
517 E Wisconsin Avenue
Milwaukee WI 53202

MICHAEL F. DUBIS, Trustee

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈00000134⑈ ⑆021000021⑆312926464766⑈

THE FINANCIAL RESOURCES GROUP, INC.

700 Mechem Drive Suite 8B
Ruidoso, New Mexico 88345
Telephone: 800 820-0597 Fax: 800 352-0597

Thursday, May 03, 2007



U.S. Bankruptcy Court
Financial Administrator
517 E. Wisconsin Ave., Room 126
Milwaukee, WI 53202

Re: Application for Payment of Unclaimed Funds

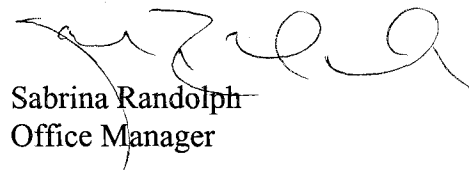
DEBTOR:	Abbas A. Fadel and Ellen E. Fadel
CASE NO.	99-24900-SVK
CREDITOR:	Michael & Kelly Gagne
AMOUNT:	\$46,017.00

Dear Sir/Madam:

Enclosed, please find the necessary documents for our clients application for payment of unclaimed funds in the above referenced case.

Please advise me if any further information is required.

Sincerely,



Sabrina Randolph
Office Manager

enclosures